

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LORI M. METZSCH,)	
)	8:02cv592
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	(appeal)
)	
AVAYA, INC.,)	
)	
Defendant.)	

The plaintiff, Lori M. Metzscher, has filed a Notice of Appeal (filing no. 345) and a Motion for Stay and Waiver of Posting a Supersedeas Bond for Costs Pending Final Disposition of Appeal (filing no. 346). In filing no. 346, the plaintiff seeks to stay execution of the judgment entered on August 31, 2004, and subsequent orders, and the payment of costs taxed against her.¹ In filing no. 339, I granted the plaintiff's previous motion to proceed in forma pauperis ("IFP") (filing no. 332) in a contemporaneous appeal (filing no. 331), and so I extended leave to proceed IFP to the current appeal (filing no. 349). However, I deny filing no. 346, the Motion to Stay, just as I denied the plaintiff's previous such Motion (filing no. 333) in the contemporaneous appeal. The defendant has waited long enough to exercise its rights.

THEREFORE, IT IS ORDERED

1. That filing no. 345, the plaintiff's Motion for Stay and Waiver of Posting a

¹Specifically, the appeal in filing no. 345 deals with my Memorandum and Order of September 22, 2006 (filing no. 342), denying the plaintiff's Motion for Contempt and Sanctions and Motion for Issuance of Order to Correct Court Record (regarding the time of day the plaintiff had filed a motion for stay). In filing no. 342, I found that the defendant had not disobeyed any order of the court and that it was completely irrelevant what time of day the plaintiff had filed her motion for stay.

Supersedeas Bond for Costs Pending Final Disposition of Appeal, is denied, and

2. That the Clerk of Court shall process the two appeals (filing nos. 331 and 345) to the Eighth Circuit Court of Appeals.

DATED this 3rd day of October, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge